

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.: 00-6040-CR-ZLOCH

vs.

RICARDO JAMES,

Defendant.

OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT

COMES NOW the Defendant, RICARDO JAMES, by and through his undersigned counsel and hereby files his Objections to the Presentence Investigation Report and states as follows:

1. Defendant objects to the failure of the probation office to award Defendant a two point reduction in his base offense level pursuant to the safety valve. The probation office has alleged that Defendant has not given a truthful and complete statement concerning his involvement in the offense. However, as this Court will recall, Defendant made an explicit statement concerning his involvement in the offense at the time of the change of plea. Defendant submits that this statement, in open court, satisfies the requirement under the safety valve provisions and that a two point reduction in the base offense level should be awarded accordingly.¹

WHEREFORE the Defendant respectfully requests that this Honorable Court

¹ Counsel has requested that the relevant portion of the change of plea proceedings be transcribed and will file same with the Court when the transcript is completed.

LA
79

sustain his objection to the presentence report and grant any other relief that this Court deems just and proper.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via U.S. Mail on June 19, 2000 to Terrance Thompson, Esquire, Assistant United States Attorney, 299 East Broward Boulevard, Fort Lauderdale, Florida 33301 and United States Probation Office, 299 East Broward Boulevard, Fort Lauderdale, Florida 33301

ENTIN, MARGULES & DELLA FERA
Attorney for Ricardo James
200 East Broward Boulevard
Suite 1210
Fort Lauderdale, Florida 33301
Telephone: (954) 761-7201
Facsimile: (954) 767-8343

By: _____
ALVIN E. ENTIN
Fla. Bar No. 127027